

REMARKS**Response to Objections to Drawings**

The drawings were objected to by the Examiner under 37 C.F.R. §1.83(a). Claim 34, the basis for the objection to the drawings, has been cancelled.

Response to Claim Objections

Claims 48, 58 and 63 were objected to by the Examiner due to the following informality at claim 48, line 4, the limitation "and a longitudinal axis" is redundant in view of the limitations recited at line 2 of the claim; at claim 58, line 5, "[a]] should be deleted; and at claim 63, line 122, "which" apparently should read --that--. Claims 48, 58, and 63 have been amended and are currently in patentable form.

Response to Claim Rejections Under 35 U.S.C. §112

Claim 34 was rejected by the Examiner under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Claim 34 had been cancelled.

Claims 34, 63 and 64 were rejected by the Examiner under 35 U.S.C. §112, second paragraph, as failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 34 had been cancelled and claims 63 and 64 have been amended and are currently in patentable form.

Regarding claim 63, the Examiner state that the claim language was unclear as to whether the stylet or the cannula is configured for axial translation, has a tissue penetrating distal end, and an outer diameter greater than a diameter of the electrosurgical cutting element. The language of claim 63 has been amended to clarify that features discussed relate to the stylet of the device.

Regarding claim 63, the Examiner stated that there was insufficient antecedent basis for the limitation "the electrosurgical cutting element", claim 63 has been amended to overcome this objection.

Regarding claim 63, the Examiner stated that the claim language was unclear as to what lies in a plane traversing the longitudinal axis of the cannula. The claim language has been amended to clarify that the electrosurgical tissue cutting element lies in a plane traversing the longitudinal axis.

Regarding claim 63, the Examiner stated that there was insufficient antecedent basis for "the tissue penetrating distal tip". Claim 63 has been amended to properly refer to the "the tissue penetrating distal end".

Response to Claim Rejections Under 35 U.S.C. §102

Claim 48 is rejected by the Examiner under 35 U.S.C. §102(e) as being anticipated by Bryan et al. (U.S. Pat. No. 6,050,955). The Examiner measured the cutting surface of the stylet at the base of the cutting edge. However, in Figure 12 of the Bryan reference, it appears that only a distal portion of tip 13 has a cutting edge. Tip 13 in Figure 12 appears to have cutting edges which begin distal to the base of the tip. If measuring the transverse dimension from the base of the cutting edges shown in Figure 12, this transverse dimension would be smaller than the transverse dimension of the first tissue cutting element 50, located on the shaft of the device. The present invention, on the other hand, teaches a tissue cutting element on the distal end of the stylet which has a cutting surface with at least one transverse dimension which is larger than at least one transverse dimension of the tissue cutting element on the cannula of the

device. The Bryan reference therefore fails to teach or suggest all features of the present invention.

Claim 63 is rejected by the Examiner under 35 U.S.C. §102(e) as being anticipated by Rydell (U.S. Pat. No. 5,085,659). The Rydell reference teaches a device wherein the entire distal tip (44) is a rounded electrode. The present invention, on the other hand, teaches a device wherein the tissue cutting element on the distal end of the stylet is in a plane parallel with the longitudinal axis. The Rydell reference therefore fails to teach or suggest all of the features of the present invention.

Response to Allowable Subject Matter

The applicants note with appreciation the Examiner's allowance of claims 28-30, 32, 33, 35-38, 40-47 and 62 and the indication that claims 34, 49-54, 56-61 are directed to patentable subject matter.

Conclusion

Applicants believe that the pending claims are directed to patentable subject matter. Further consideration of the rejected claims pursuant to the concurrently filed RCE and an allowance of all of the pending claims are earnestly solicited.

Respectfully submitted,

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